

**REPORT OF INVESTIGATION**

Page 1 of 5

1. Program Code	2. Cross File Related Files	3. File No. [REDACTED]	4. G-DEP Identifier [REDACTED]
5. By: S Gonzalez, A/GS At: SPECIAL OPERATIONS DIVISION (OS)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	6. File Title LOBO, Fabio Porfirio	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:		8. Date Prepared 11-30-2018	
9. Other Officers: ASAC George Papadopoulos, SA Gus Sachetti (Miami FD), SA Matt Green (Miami FD).			
10. Report Re: Arrest of Juan Antonio HERNANDEZ-Alvarado in Miami, FL on November 23, 2018 and acquisition of Exhibit N-152.			

**SYNOPSIS**

On November 23, 2018, Juan Antonio HERNANDEZ-Alvarado (aka Tony Hernandez) was arrested by the United States Customs and Border Patrol (CBP) at the Miami International Airport pursuant to an arrest warrant issued in the Southern District of New York (SDNY). The arrest warrant was issued as the result of an indictment charging HERNANDEZ-Alvarado with drug trafficking and weapons crimes. On this same date, CBP transferred custody of HERNANDEZ-Alvarado to DEA Special Operations Division (SOD) Bilateral Investigations Unit (BIU) ASAC George Papadopoulos, A/GS Sandalio Gonzalez, and Miami Field Division SAs Gus Sachetti and Matthew Green who subsequently transported HERNANDEZ-Alvarado to the Federal Detention Center in Miami, Florida.

**DETAILS**

1. On the morning of November 23, 2018, DEA agents from the Special Operations Division (SOD) Bilateral Investigations Unit (BIU) and Miami Field Division (MFD) Enforcement Group 11, along with Customs and Border Protection (CBP) personnel from the Miami International Airport (MIA) proceeded to Concourse D, Gate 2, in preparation for the arrest of Juan Antonio HERNANDEZ-Alvarado pursuant to an arrest warrant from the Southern District of New York (SDNY). Agents learned that HERNANDEZ-Alvarado, along with a travel companion by the name of Marlon PACHECO-Morales (NN negative), were arriving on American Airlines (AA) flight 1347 from

11. Distribution: Division	12. Signature (Agent)  /s/ Sandalio Gonzalez, Acting GS	13. Date 11-30-2018
District	14. Approved (Name and Title) /s/ Timothy D McGrath, GS	15. Date 12-13-2018
Other		

<b>REPORT OF INVESTIGATION</b> <i>(Continuation)</i>	1. File No. [REDACTED]	2. G-DEP Identifier [REDACTED]
	3. File Title LOBO, Fabio Porfirio	
4. <b>Page 2 of 5</b>		
5. Program Code	6. Date Prepared 11-30-2018	

Houston, Texas for connection to AA flight 961 bound for Tegucigalpa, Honduras.

2. Agents observed HERNANDEZ-Alvarado and PACHECO-Morales exit the gate and proceed to the restroom. When HERNANDEZ-Alvarado exited the restroom, CBP personnel approached HERNANDEZ-Alvarado and took him into custody. Agents escorted HERNANDEZ-Alvarado and PACHECO-Morales to the jet bridge where they informed HERNANDEZ-Alvarado that he was under arrest. A/GS Gonzalez asked PACHECO-Morales if he was willing to accompany the agents to answer questions, discuss the arrest situation and transfer of any luggage belonging to HERNANDEZ-Alvarado to PACHECO-Morales. PACHECO-Morales agreed to accompany agents and confirmed that both he and HERNANDEZ-Alvarado had checked bags. Agents then proceeded to transport HERNANDEZ-Alvarado and PACHECO-Morales along with their luggage to the CBP office at the airport. Note: [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

3. Upon arrival at the CBP office, A/GS Gonzalez showed HERNANDEZ-Alvarado a copy of the arrest warrant and they read it together. Although A/GS Gonzalez was communicating with HERNANDEZ-Alvarado in Spanish, HERNANDEZ-Alvarado appeared to read the arrest warrant written in English. However, A/GS Gonzalez summarized the arrest warrant to HERNANDEZ-Alvarado by explaining in Spanish that HERNANDEZ-Alvarado was being arrested pursuant to federal narcotics and related weapons charges lodged against him in New York. A/GS Gonzalez asked HERNANDEZ-Alvarado if the white Apple I-phone belonged to HERNANDEZ-Alvarado. HERNANDEZ-Alvarado affirmed the phone was his and added that he had an additional telephone among his personal effects.

4. At approximately 10:00AM, A/GS Gonzalez, ASAC Papadopoulos, and SA Sachetti conducted a voluntary interview of PACHECO-Morales. Following this interview, PACHECO-Morales agreed to transport HERNANDEZ-Alvarado's suitcases and various personal effects, to include a gold chain and HERNANDEZ-Alvarado's wedding ring, back to Honduras as documented via photograph and via DEA Form 12 (scanned and submitted to the electronic case file). HERNANDEZ-Alvarado acknowledged that none of the items in his suitcase was removed and this transfer was done in front of HERNANDEZ-

<b>REPORT OF INVESTIGATION</b> <i>(Continuation)</i>	1. File No. [REDACTED]	2. G-DEP Identifier [REDACTED]
	3. File Title LOBO, Fabio Porfirio	
4. <b>Page 3 of 5</b>		
5. Program Code	6. Date Prepared 11-30-2018	

Alvarado and PACHECO-Morales. At approximately 11:00AM, agents excused PACHECO-Morales and he departed the CBP office with his luggage and HERNANDEZ-Alvarado's.

5. At approximately 11:10AM, A/GS Gonzalez, ASAC Papadopoulos, and SA Sachetti transferred HERNANDEZ-Alvarado to a private room. A/GS Gonzalez asked HERNANDEZ-Alvarado for the codes to unlock his white Apple I-phone and the black Samsung phone recovered from his personal effects as well as their corresponding telephone numbers. HERNANDEZ-Alvarado voluntarily provided the code "654321" for his white I-phone and telephone number 504-3341-0480, along with email address jahernandeza@yahoo.com. HERNANDEZ-Alvarado then unlocked his black Samsung phone so A/GS Gonzalez could disable the "smart-lock" feature and provided telephone number 504-9494-0181 for this phone. A/GS Gonzalez again explained to HERNANDEZ-Alvarado that he was being arrested for drug trafficking and making false statements; that he could cooperate or not; and plead guilty or not guilty. HERNANDEZ-Alvarado stated that he wanted to cooperate and specified that he told his lawyer over a year ago, that he wanted to cooperate and he (lawyer) told him that he would speak with prosecutors, but never notified HERNANDEZ-Alvarado. A/GS Gonzalez asked HERNANDEZ-Alvarado if he presently had a lawyer and HERNANDEZ-Alvarado stated that he had not spoken to "Manny" in over a year but would like to call him first.

6. At this time, A/GS Gonzalez contacted Assistant United States Attorneys (AUSAs) Emil Bove and Matthew Laroche who gave permission for A/GS Gonzalez to place a phone call to Manuel Retureta. A/GS Gonzalez proceeded to call Mr. Retureta at 202-549-0679 two times with no answer. After additional consultation with AUSAs Bove and Laroche, A/GS Gonzalez informed HERNANDEZ-Alvarado that he was going to be processed and taken to jail without an interview. HERNANDEZ-Alvarado stated that he wanted to speak with Agents at this moment and start cooperating, so A/GS Gonzalez called Mr. Retureta again with no answer. A/GS Gonzalez asked HERNANDEZ-Alvarado if presently had legal representation and he stated that he did not know. At this time, A/GS Gonzalez explained to HERNANDEZ-Alvarado that he had a right to request notification be made to the Honduran Consulate of his arrest. A/GS Gonzalez then proceeded to provide HERNANDEZ-Alvarado his consular rights advisement pursuant to Article

<b>REPORT OF INVESTIGATION</b> <i>(Continuation)</i>	1. File No. [REDACTED]	2. G-DEP Identifier [REDACTED]
	3. File Title LOBO, Fabio Porfirio	
4. <b>Page 4 of 5</b>		
5. Program Code	6. Date Prepared 11-30-2018	

36(1)(b) of the Vienna Convention on Consular Relations and Department of Justice regulations at 28 CFR § 50.5. HERNANDEZ-Alvarado indicated that he wanted notification made to the Honduran Consulate. (**Agent's note:** [REDACTED])

7. A/GS Gonzalez explained to HERNANDEZ-Alvarado that if he had an attorney and wanted to consult with this attorney prior to cooperating that he was entitled to that, however, if he wanted to speak to agents and begin cooperating that he would be advised of his rights and would need to agree to this voluntary participation in a recorded interview. HERNANDEZ-Alvarado affirmed that this was his intention. A/GS Gonzalez also explained to HERNANDEZ-Alvarado that he was not being tricked or pressured and agreeing to this interview would not result in his release or avoid him going to jail later that day. HERNANDEZ-Alvarado acknowledged that he understood. Agents agreed to transfer HERNANDEZ-Alvarado to the DEA office at the Miami airport for fingerprinting and interview and notified HERNANDEZ-Alvarado of such.

8. At approximately 12:20PM, HERNANDEZ-Alvarado was taken to the DEA office and fingerprinted. Following this, A/GS Gonzalez as witnessed by ASAC Papadopoulos, advised HERNANDEZ-Alvarado of his Miranda rights in the Spanish language as read from a DEA form 13b. A/GS Gonzalez reviewed the rights with HERNANDEZ-Alvarado from the advice of rights waiver form and then requested HERNANDEZ-Alvarado read over the rights form himself. HERNANDEZ-Alvarado stated that he understood his rights, initialed each line read, signed the advice of rights form and agreed to speak with agents. The post-arrest interview and advisement of rights was recorded and subsequently processed as evidence. The signed advice of rights form was scanned electronically and submitted to the case file. SAs Green and Sachetti were present at times during the interview but not in its entirety.

9. HERNANDEZ-Alvarado was provided water, offered food but declined, and allowed to use the restroom. At the conclusion of the interview, agents transported HERNANDEZ-Alvarado to the Federal Detention Center in Miami, Florida. All notes taken during the course of the day were scanned and submitted to the electronic case file.

<b>REPORT OF INVESTIGATION</b> <i>(Continuation)</i>	1. File No. [REDACTED]	2. G-DEP Identifier [REDACTED]
	3. File Title LOBO, Fabio Porfirio	
4. Page 5 of 5		
5. Program Code	6. Date Prepared 11-30-2018	

**ACQUISITION OF EXHIBIT**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**INDEXING**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]